(5)

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 4023 OF 2005

PETITIONER:

Ganga Prasad Gupta, S/o Shri Lallu Prasad Gupta, aged about 65 years, Occupatin Retired Lamps Manager, R/o Infront of Nagar Palika Chandia Road, Umaria, District - Umaria, (M.P.)

P.R. No. U1 30/05
Presented by Shri A.N. Pandey
dated 12/5/05

V E R S U S

RESPONDENT:

Chief Executive Officer/ Manager, District Co-operative Kendriya Bank Maryadit, Ambikapur, Distt. Surguja, (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

(26)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P. No. 4028/... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21.09.2005 Mr. A.N. Pandey, learned counsel for the petitioner. None appears for the respondent. Learned counsel for the petitioner submits that that petitioner was compulsory retired from the post of Lamps Manager w.e.f. 01.08.2000 by the order dated 28.07.2000 (Annexure P-2). The petitioner made an application before the controlling authority under Rule 10 of Payment of Gratuity Act, 1972. The controlling authority passed an order on 16.03.2004 (Annexure P-3) directing the respondent to make a payment of Rs.1,67,669/99 to the petitioner as gratuity. Thereafter, review was filed and the same was also dismissed by the controlling authority. The respondent filed an appeal under provisions of Payment of Gratuity Act, 1972 before the appellate authority i.e. Dy. Labour Commissioner, Office of the Labour Commissioner Chhattisgarh. The appellate authority vide order dated 14.06.2005 (Annexure P-1) quashed the earlier orders dated 16.03.2004 (Annexure P-3), 17.03.2004 (Annexure P-4) & 16.07.2004 (Annexure P-6) passed in review petition, by the controlling authority and remanded the matter back to the controlling authority to decide the case afresh after hearing the respondent. The petitioner has filed this writ petition under Articles 226/227 of the Constitution of India impugning the order dated 14.06.2005 (Annexure P-1) passed by the appellate authority in appeal case No. 100/PGA/2004.	

(27)

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	After hearing the learned counsel for the petitioner and perusing the records, I am of the view that there is no infirmity in the impugned order passed by the appellate authority as such this Court cannot interfere with the order of the appellate authority. However, in the interest of justice, it is desirable that the controlling authority be directed to decide the case, which has been remanded back to the controlling authority by the appellate authority vide order dated 14.06.2005 (Annexure P-1) expeditiously, preferably within a period of two months, from the date of receipt of this order. In view of the foregoing, the petition stands disposed of. Consequently, all pending applications also stand disposed of. **Sd/-** **Satish K. Agnihotri** **Judge**	

[redacted] Ve Sarma

SP/FS/2005 - 20,000

24.9.05